

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EWENDOLYN RAGLAND,)
)
Plaintiff)
)
vs.) No. 4:17-cv-3048
)
DEARBORN NATIONAL LIFE)
INSURANCE COMPANY)
)
Defendant)

NOTICE OF REMOVAL

Dearborn National Life Insurance Company (“Dearborn National” or “Defendant”) respectfully removes this action to the United States District Court for the Southern District of Texas, Houston Division.

INTRODUCTION

1. Plaintiff has filed an Original Petition against Dearborn National in the District Court of Wharton County, Texas, 23rd Judicial District, Cause No. CV-49995. Dearborn National first became aware of this action when it received a copy of the Petition and a citation on September 14, 2017. Pursuant to 28 U.S.C. § 1446(a), Dearborn National has attached copies of all process, pleadings, or orders served on it or by it as the Appendix to this Notice of Removal.

2. Dearborn National files this removal notice within the 30-day period required in 28 U.S.C § 1446(b).

GROUND FOR REMOVAL

3. This case is removable under 28 U.S.C. § 1441 based on federal diversity jurisdiction existing under 28 U.S.C. § 1332, for the following reasons:

a. Plaintiff is and was at the time of the filing of the Plaintiff's Original Petition ("Petition"), an individual citizen of Texas. *See* Petition at ¶ 4 (Appendix, Ex. 3). Dearborn National is currently, and was at the time of the filing of the Petition, a corporation incorporated in Illinois, with its principal place of business in Illinois currently and at the time of the filing of Petition. *See* Exhibit 1.

b. Plaintiff filed the instant case in the District Court of Wharton County, Texas. Plaintiff alleges claims for breach of contract (Petition at ¶¶ 70-78), violations of the Texas Insurance Code and DTPA (Petition at ¶¶ 79-81), breach of an alleged duty of good faith and fair dealing (Petition at ¶¶ 82-91) and fraud (Petition at ¶¶ 92-93). She seeks actual damages, "consequential damages to her economic welfare," damages for mental anguish and physical suffering, lost credit reputation, exemplary damages and attorney's fees (Petition at ¶¶ 108-113). It is therefore apparent from an analysis of Plaintiff's allegations that the amount in controversy in this action exceeds the jurisdictional sum of \$75,000.00. *See St. Paul Reinsurance Co, Ltd. v. Greenberg*, 134 F.3d 1250, 1255 (5th Cir. 1998); *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995).

c. Complete diversity of citizenship between Plaintiff and Dearborn National exists currently, and existed at the time that Plaintiff filed her Petition; Dearborn National is not a citizen of Texas and was not at the time that Plaintiff's Petition was filed; and the amount in controversy exceeds \$75,000. This case, therefore, is removable based on diversity jurisdiction.

4. Venue is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place where the removed action has been pending. *See* 28 U.S.C. § 124(b)(2).

5. Pursuant to 28 U.S.C. § 1446(d), Dearborn National will promptly provide written notice of this removal to the District Court for Wharton County, Texas.

Respectfully submitted,

By: /s/ Andrew F. MacRae

ANDREW F. MACRAE

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ATTORNEYS FOR DEFENDANT
DEARBORN NATIONAL LIFE
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal has been filed through the CM/ECF system on this 11th day of October, 2017. A copy of this Notice of Removal has also been forwarded via e-mail, to the following counsel of record:

Marc S. Whitehead
J. Anthony Vessel
Britney McDonald
Marc Whitehead & Associates
5300 Memorial Drive, Suite 725
Houston, Texas 77007

/s/ Andrew F. MacRae

ANDREW F. MACRAE